

REMARKS

Status of Claims

Upon entry of this Response, claims 1, 8, 10, and 16 have been amended; claims 1-4, 7-13, 16-22, and 25-27 remain pending in the application.

Rejections under 35 U.S.C. §103

Claims 1-4, 7-13, 16-22, and 25-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,055,522 issued to Krishna *et al.* (hereafter "*Krishna*"). Applicants respectfully traverse.

As a preliminary matter, the Office Action rejected claims 10-13, 16-18, 19-22, and 25-27 on identical bases as claims 1-4 and 7-9. *See Office Action* at 6. The undersigned respectfully submits that such a rejection is inappropriate, as the claims are not coextensive in scope. However, for purposes of this response, and in an effort to advance the prosecution of this application, the undersigned submits that claim 1 patently defines over the cited art for at least some of the same reasons discussed below in connection with claims 10 and 19. In this regard, the method of claim 1 includes the following, which is not taught/suggested by *Krishna*: "the template includes an undefined region, and wherein the sub-templates are employed in placing one of the content items in the undefined region, and, a plurality of different combinations of the sub-templates may be associated with the corresponding content items, the undefined region being compatible with any one of the different combinations of the sub-templates, thereby facilitating the creation of a plurality of documents having a corresponding number of different layout configurations using the same template."

Turning now to the rejections, a prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. *MPEP* §2143.03, *In re Rijckaert*, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicants assert that *Krishna* fails to show or suggest each of the elements of claims 1, 10, and 19. Accordingly, Applicants request that the rejection be withdrawn.

First, Applicants reiterate their arguments and traversals over *Krishna* set forth in the Response filed July 27, 2005, as if fully restated herein.

Second, in response to Applicants arguments submitted in the Response filed July 27, 2005, the Examiner states that "Krishna's teachings indicate that there is not

a set size or set content for the various regions existing in the template.” *Office Action* at 7. Applicant’s, however, claim more than simply there not being a set size or set content for the various regions existing in the template. Instead, claim 1 recites the following:

the template includes an **undefined region**, and wherein the **sub-templates are employed in placing one of the content items in the undefined region**, and, a **plurality of different combinations of the sub-templates** may be associated with the corresponding content items, the undefined region being compatible with any one of the different combinations of the sub-templates, thereby facilitating the creation of a plurality of documents having a corresponding number of different layout configurations using the same template.

(Emphasis added). Applicants maintain the features of “sub-templates,” “an undefined region,” and “a plurality of different combinations of the sub-templates” are not taught or suggested by *Krishna*.

The Office admits, “*Krishna* does not utilize the term ‘sub-template.’” *Office Action* at 8. The Examiner attempts to cure these deficiencies of the *Krishna* reference by relying on generalized statements that these features “a person of ordinary skill in the art at the time of the invention would define a template as a document or a file having a preset format and a sub-template as a portion of a document having a preset format.” *Id.* If the Examiner is taking official notice of various claim limitations as being “well-known,” then Applicants traverse the Examiner’s assertion of official notice of each of the items in the Office Action.

Applicants traverse the above assertion, and further the Office’s proposition that “it would have been obvious to a person of ordinary skill in the art at the time of the invention to interpret the various regions of *Krishna* as corresponding to the claimed invention’s ‘sub-templates’ as both *Krishna*’s regions” *Id.* Applicants submit that the Examiner is taking statements from Applicants’ own specification to arrive at the conclusion that this feature of Applicants’ invention would be obvious based on *Krishna*. For example, the instant Detailed Description section states the following:

According to the present invention, sub-templates are used in formatting an electronic publication. The sub-templates allow placement of multiple similar items, such as comic strips, within a single electronic publication. The number and type of items placed may be varied, without use of separate templates for each possible

configuration.

...

The use of sub-templates to place content items in a document provides for the creation of undefined regions within such a document. Specifically, an undefined region is region in a document where a variety of differently sized content items may be placed using one or more sub-templates. Thus, the exact location of the content item within an undefined region may depend upon the number and/or size of the other content items that are placed in the undefined region.

Specification at [0014] and [0043]. Although limitations/features of the specification are not to be imported into the claims, the elements of the claims should be interpreted in light of the specification, particularly when an applicants has chosen to be its own lexicographer. When viewing the features of "sub-templates," "an undefined region," and "a plurality of different combinations of the sub-templates" in light of their description and definitions in the specification, *Krishna* teach or suggest these features. Instead, *Krishna* discloses the following: "[t]he author specifies a set of instructions for obtaining and formatting content objects to be displayed in each region, as well as actions to be taken on or by such objects. These object and action definitions are then placed in a template file 112." Col. 5, lines 3-7. *Krishna* provides for a system in which a viewing region or a page is populated with content. While *Krishna* describes the use of a "template file", it does not describe the use of a template in which a portion of the document comprises an undefined region. In this respect, the regions are specifically defined in terms of size and what content may be placed therein. Consequently, there is a single layout specified by a given template.

Applicants teach away from *Krishna*'s use of a variety of different templates, in the following passage:

The alternative is to maintain a large number of templates, each of the templates handling one of a variety of possible layout configurations. Changing content layout associated with a respective template is thus a relatively easy manner, by changing the some or all of the sub-templates associated therewith, ***as opposed to revising a large number of mutually exclusive templates.***

Specification at [0062]. Thus, Applicants' claimed features of sub-templates in an undefined region represent a nonobvious advantage over *Krishna*'s disclosure of templates.

Further, Applicants traverse the assertion that “a person of ordinary skill in the art at the time of the invention would recognize that different regions on a publication page would be necessary when dealing with content of different lengths and formats.” *Office Action* at 6. Applicants submit that the Examiner is taking statements from Applicants’ own specification to arrive at the conclusion that this feature of Applicants’ invention would be obvious based on *Krishna*.

Applicants submit that that the above generalized statements of what would be obvious to one of skill in the art constitute impermissible hindsight reconstruction. Applicants request that the Office provide documentary evidence in the prior art (not from Applicants’ own specification) in the next Office Action as to how the sub-templates, undefined regions, and a plurality of different sub-templates, as recited in claim 9, are obvious in view of *Krishna*.

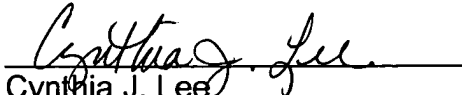
Applicants respectfully traverse that the claimed features of claim 1 are obvious matters of design choice, or would involve only routine skill in the art. Applicants submit that the Office has found no other references that teach or suggest how the claimed features can be properly combined with the cited references. Therefore, Applicants respectfully request that the Office provide Applicants with further evidentiary evidence of obviousness.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted, such as for example, those statements made with respect to claim 9. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,


Cynthia J. Lee
Reg. No. 46,033

**Thomas, Kayden, Horstemeyer
& Risley, L.L.P.**
100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948
Phone: (770) 933-9500
Fax: (770) 951-0933